



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR RELATIONS
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JOINT LABOR-MANAGEMENT
COMMITTEE FOR
MUNICIPAL POLICE AND FIRE
JOHN W. HANSON
CHAIR

MEETING MINUTE FOR
MAY 26, 2016

Pursuant to M.G.L. c. 30A § 20(c), and the Open Meeting Law Regulations, 940 CMR 29.03 (6), the Joint Labor-Management Committee for Municipal Police and Fire hereby gives notice that the Committee will meet on:

DATE: May 26, 2016

TIME: 11:10 a.m. – Full Committee Meeting

LOCATION: Offices of the Joint Labor-Management Committee,
19 Staniford St., 1st Floor, Boston, MA 02114-2502

Attendees: Chairman Hanson, Fire Chair Reddy, Management Chair Goldsmith, Hubley, Andrews, Demille, Garvin, Perreira, Scanzio, McCue, Milanowski, Colton, Hayes, Clark, Long, and Clarkson.

Mediators: Bevilacqua, Murray, Griffin, Atwater, Srednicki

- *Administrative updates:*

- Accept Meeting Minutes from 4-28-16
Motion by Goldsmith and 2nd by Reddy. Passed

- Chairman's Report

The Chairman discussed the the Boston Bar Association's Workshop which was held on May 7, 2016. The Chairman felt that the presentation went well, among the topics discussed was forthcoming new policies regarding scheduling of JLMC cases.

The Chairman introduced 4 of the new management alternates (voted on at the 4-28-16 meeting). The Committee members then proceeded to introduce themselves to the new management alternatives present at the meeting.

The Chairman discussed the 3 new hires for the 3 Senior Staff positions (1 Labor and 2 Management). The Chairman is waiting for Human Resources to contact him. Currently, Human Resources is busy with the recent lay offs and early retirements. The Chairman discussed the attributes of each of the new staff members and how they will fit in well and be an assest to the Committee.

- Discussion of proposed policy changes

A discussion regarding the proposed new policies happened after the votes on pending JLMC cases on the agenda.

- Petitions, Jurisdiction and Awaiting Funding List (AFL) Cases:*

Case Number	Organization	Mediator	Topic/Vote/Action
1. JLM-15-4285 Motion by Reddy and 2 nd by Goldsmith. Passed.	Westport Fire	Carol	Remove Funded
2. JLM-16-5073 Motion by Reddy and 2 nd by Goldsmith. Passed. Committee Members Assigned are Reddy & Tranfaglia.	Beverly Fire	Heather	Vote on Jurisdiction
3. JLM-16-5156 Motion by Andrews and 2 nd by Goldsmith. Passed. Committee Members Assigned are Nelson & Tranfaglia.	Beverly Police	Heather	Vote on Jurisdiction
4. JLM-16-5151 Motion by Andrews and 2 nd by Goldsmith. Passed.	Tisbury Police	Carol	Remove Funded
5. JLM-15-4626 No Action	Haverhill Police	Heather	Report on 3a/vote to arb.
6. JLM-15-4744 No Action	Lynn Police	Carol	Move to Voluntary 3a.
7. JLM-15-4858 Motion by Andrews and 2 nd by Goldsmith. Passed.	Yarmouth Superiors	Joe G.	Move to a 3a
8. JLM-15-4983 No Action	Charlton Police	Brian	Report T/A
9. JLM-16-5098 No Action	Mendon Police	Brian	Vote to a 3a
10. JLM-14-4107 Motion by Reddy and 2 nd by Goldsmith. Passed.	Sterling Fire	Heather	Remove Funded
11. JLM-15-4585 Motion by Reddy and 2 nd by Goldsmith. Passed.	Hudson Fire	Heather	Remove Funded

Case Number	Organization	Mediator	Topic/Vote/Action
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12. JLM-15-4947 Motion by Andrews and 2 nd by Goldsmith. Passed.	Cambridge Superiors	Kevin	Remove Funded
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- Any other business that may legally come before the committee:*

Discussion of proposed policy changes

Scheduling

The Chair and Committee members present entered into a lengthy discussion regarding the general scheduling policy.

Committee Level Mediation/3(a) Hearing/Arbitration

First to be discussed is the proposed policy for the Committee Level Mediation. The mediator and assigned committee members consult each other and agree upon 3 dates to be offered to the parties. The parties will choose from one of the three dates. If the parties cannot agree to any of the 3 dates given then the mediator and assigned committee members will give a 4th date upon which the parties will be required to attend.

Second to be discussed is the proposed policy for 3(a) hearings, adding the into the process of choosing the 3 dates to be offered to the parties is conferring with the Chair (who resides over the hearing). The parties will choose from one of the three dates. If the parties cannot agree to any of the 3 dates given then the mediator, Chair and assigned committee members will give a 4th date upon which the parties will be required to attend. The 3(a) panel reserves the right to conduct an ex-parte hearing if it feels that one of the parties is acting in bad faith in not attending.

The final discussion is regarding the proposed policy for Arbitration, the Committee will authorize the Arbitrator assigned to the case to consult the committee Members assigned to the panel in choosing the 3 dates to be offered to the parties. The parties will choose from one of the three dates. If the parties cannot agree to any of the 3 dates given then the Arbitrator and assigned committee members will give a 4th date upon which the parties will be required to attend. The Arbitration panel reserves the right to conduct an ex-parte hearing if it feels that one of the parties is acting in bad faith in not attending.

On the proposed scheduling policy, the Fire Chair (Matthew Reddy), the Police Chair (Allen Andrews), and the Management Chair (Jill Goldsmith) agree the proposed changes.

3(a) Hearings

The Committee discussed proposed changes to the current 3(a) Hearing. The Chairman discussed the need to clarify the issues at the initial Committee Level Mediation. Instructing the parties that no new issues should be presented during the mediation process nor at the 3(a) Hearing.

The current policy requires parties to submit their issues to be certified at the 3(a) hearing to the mediator 48 hours in advance. The issues are then sent to the parties 24 hours in advance of the hearing. The proposed change would be to require the parties submit the issues to the mediator 5 days in advanced and keep the policies regarding sending the issues to the parties 24 hours in advance.

On the proposed policy regarding the 3(a) hearing, the Fire Chair (Matthew Reddy), the Police Chair (Allen Andrews), and the Management Chair (Jill Goldsmith) agree the proposed changes.

Jurisdiction

The Committee discussed the Jurisdiction policy. Recently many of the Petition for Jurisdiction are being filed have large numbers of unresolved issues and few, if any, tentative agreements. Some suggest that the mediator check with the parties if they have met the standard of Collective Bargaining guidelines (...apparent exhaustion of the process of collective bargaining). If the parties have failed to resolve any or few of the issues has there

been an apparent exhaustion of the process of collective bargaining. Proposed changes are: send parties back to the table to further bargain for a set period of time, send parties back to the table to reduce the amount of all of the above, limit the number of issues that the parties can initial submit to the JLMC to a fixed number (ie 8 issues plus wages and duration) or all of the above (while giving strong consideration to the recommendation of the mediator who has conducted the investigation).

On the proposed policy regarding Jurisdiction, the Fire Chair (Matthew Reddy), the Police Chair (Allen Andrews), and the Management Chair (Jill Goldsmith) agree the proposed changes.

Time Frame Expectations for Completion of the JLMC Formal Processes:

The proposed changes to the policy regarding the time frame to complete the formal process of arbitration are because the amount of time to complete the process has become excessive. Changes to the policy include setting guideline on a time table for the process between the occurrence of the 3(a) hearing and the possible issuance of an award decision such as:

1. 3(a) hearing – report to full committee – arbitration ordered
2. 10 days – arbitrator selected (time starts after the Committee votes case to Arbitration) then;
3. 90 days – Hearing Scheduled and conducted then;
4. 30 days – Post hearing briefs due then;
5. 30 days - Award Issued.

In the appointment letter to the arbitrator, they would be asked if they can offer hearing dates during the 90 day period. If not, they are asked to withdraw and the second choice is appointed. Another suggestion to that is to decide on the arbitrators who would be offered to the parties and then contact the arbitrators prior to giving the list to the parties to see if they have availability in the 90 day window. The chosen Arbitration would then have the policy discussed regarding scheduling arbitration to assist in scheduling the hearing. And the Arbitrator will be given latitude in allowing extensions for good cause.

The goal of this policy would be have an award issued with in 160 days of the date the arbitration was ordered.

On the proposed policy regarding Time Frame Expectations for Completion of the JLMC Formal Process, the Fire Chair (Matthew Reddy), the Police Chair (Allen Andrews), and the Management Chair (Jill Goldsmith) agree the proposed changes.

JLMC Meeting Cancellation/Postponement Notice

Proposed cancellation/postponement policy regarding JLMC meeting is as follows:

In an attempt to prevent sudden cancelation of the JLMC meetings, the following procedure will be implemented.

All JLMC meetings are scheduled in advance. It is incumbent of the Chair's (Fire, Management and Police) to name at least a week in advance of a scheduled meeting there respective member who will be in attendance and serve as Chair. If the designated chair is unable to serve, it will be the responsibility of that person to seek a replacement. A list of

those who will serve as chair for a scheduled meeting shall be posted and maintained at the JLMC office by its Staff.

- *Adjournment at 1:15 pm*

Recorded by Gwenn Kelley, Collective Bargainin Election Specialist II.